

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 15<sup>th</sup> day of October, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Vickie Abrego, Council Member  
Karen Mayer, Council Member  
Frank Hametner, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: Tom Ginter, City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Sandy Roddel, Finance Director  
Don Brummett, Acting Public Works Director  
Darrell Jones, Police Chief  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Harlow Landphair, Jeannie Brummett, Thomas Touchstone, Ernie Torres, Olivia Torres, Colleen Abshire, Ann Melton, Tencha Keiser, Jim Garner, Margret Garrett, Natalia Lamas, Terry Stansberry, Eva Young

*There may have been others present who did not sign in.*

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on October 15, 2007.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

**ITEM 3. CONSENT AGENDA:** *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

A. Approval of Minutes of September 26 and October 3, 2007.

Council Member Mayer made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 4. PRESENTATION ON THE NATIONAL FLOOD INSURANCE PROGRAM FROM FEMA REPRESENTATIVE.**

Ms. Kathy Graff with FEMA spoke on the National Flood Insurance Program, the importance of having flood insurance, the different flood areas, and quoted local statistics concerning flood insurance.

**ITEM 5. PRESENTATION BY HARLOW LANDPHAIR PERTAINING TO THE COMMUNITY VISION PROCESS FOR CONN BROWN HARBOR.**

Mr. Landphair stated his Texas A&M students had finished the preparations for the Harbor charrette and had the harbor base map completed. He stated he had checked on the publicity and advertising for the project and charrette. He stated the students would start arriving Thursday afternoon (October 18), would be in the field gathering

information all day Friday (October 19) and could be identified by their Texas A&M shirts.

**ITEM 6.**        **CONSIDER AND ACT ON APPROVAL OF ORDINANCE ADOPTING RULES FOR ONE-SITE SEWER FACILITIES WITHIN THE CITY LIMITS OF ARANSAS PASS, TEXAS.**

Mr. Thomas Touchstone, San Patricio County Environmental Health Director, stated TCEQ required the City to have an ordinance, not an interlocal agreement, for San Patricio County to provide environmental health services to the City. He stated the ordinance had been written by the State.

The City Manager stated he and the City Inspector had met with Mr. Touchstone regarding the ordinance and agreed it was a good idea. He stated the City Attorney had asked for time to examine the issue.

The City Attorney stated he had not seen the ordinance until this morning. He stated the ordinance made reference to regulations that were attached, but no regulations were attached to the ordinance.

Mr. Touchstone stated he would get those regulations for the City Attorney. He stated when the Council does reconsider the ordinance there would have to be a publication in the local newspaper and a public hearing before the ordinance could be approved.

Council Member Hametner made the motion to table the item until the next Council meeting. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 7.**        **CONSIDER AND ACT ON APPROVING SPECIFICATIONS AND AUTHORIZING STAFF TO SOLICIT BIDS FOR THE CITY HALL ADDITION AND RENOVATIONS.**

Mayor Pro Tempore Attaway made the motion to approve specifications and authorize staff to solicit bids for the City Hall addition and renovations. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 8.**        **CONSIDER AND ACT ON A "PROJECT MANAGEMENT AGREEMENT" BETWEEN THE CITY OF ARANSAS PASS AND THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT TO PROVIDE PROJECT MANAGEMENT OVERSIGHT, CONSULTING, BIDDING, MANAGEMENT AND OPERATIONS OF THE CIVIC CENTER.**

The City Manager stated the APMDD Board decided an agreement with the City clarifying the duties and responsibilities of each party would be appropriate and had drawn up the Project Management Agreement. He stated the agreement was straightforward as the final sentence of the agreement stated that the "City is the final authority on all matters regarding the Civic Center Project."

After discussion, Council Member Hametner made the motion to approve the "Project Management Agreement" between the City of Aransas Pass and the Aransas Pass Municipal Development District to provide project management oversight, consulting, bidding, management and operations of the Civic Center. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 9.**        **CONSIDER AND ACT ON A RESOLUTION AUTHORIZING THE ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT (APMDD) TO ADVERTISE FOR BIDS, SELECT CONTRACTORS, PROJECT OVERSIGHT AND PAY FOR REPAIRS TO THE ARANSAS PASS AQUATIC CENTER.**

The City Manager stated the APMDD was working with Pool Manager Bonney Maurer to determine repairs at the aquatic center. He stated bids for the repairs were due November 7 and the bid would be awarded on November 17 (2007). He stated the APMDD would pay for the repairs which were estimated to cost \$200,000.00. He stated the APMDD had the funds for the repairs.

Discussion was held regarding performance bonds for the contractor(s).

The City Manager stated the repairs would be done during the off season.

Mayor Pro Tempore Attaway made the motion to approve a Resolution (No. 2007-592) authorizing the Aransas Pass Municipal Development District (APMDD) to advertise for bids, select contractors, project oversight and pay for repairs to the Aransas Pass Aquatic Center. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 10.        CONSIDER AND ACT ON APPROVING AUDITING SERVICES FOR THE FY 2006-2007 FISCAL YEAR AUDIT.**

After discussion, Mayor Pro Tempore Attaway made the motion to approve auditing services for the fiscal year 2006-2007 from Michael Arnold, CPA not to exceed \$16,000.000. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 11.        CONSIDER AND ACT ON AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR ADVANCE FUNDING AGREEMENT FOR VOLUNTARY MAINTENANCE BY A LOCAL GOVERNMENT (ON-SYSTEM). REGARDING THE HARRISON BLVD. PALM PROJECT.**

The City Manager stated as the City had discussed with Texas Department of Transportation (TXDOT), TXDOT will plant palm trees on Harrison Blvd. from the intersection at Cleveland Avenue to Goodnight Street. He stated the estimated start of the project would be Spring 2009.

Council Member Hametner made the motion to approve an agreement with the Texas Department of Transportation (TXDOT) for an Advance Funding Agreement for voluntary maintenance by a local government (On-System) regarding the Harrison Blvd. Palm Project. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 12.        REVIEW ORDINANCE NO. 2004-3824-A (JUVENILE CURFEW) PURSUANT TO LOCAL GOVERNMENT CODE 370.002, FOR THE EFFECTS ON THE COMMUNITY AND PROBLEMS THE ORDINANCE WAS INTENDED TO REMEDY.**

The City Manager stated legislation that was passed allowed cities and towns to pass curfew ordinances with the requirement that the ordinance be reviewed and considered every three years.

The City Attorney stated the City's Prosecuting Attorney Dan Dailey had changed some of the wording in the ordinance and added definitions, but it was basically the same ordinance.

**ITEM 13.        PUBLIC HEARING ON THE NEED TO CONTINUE ORDINANCE 2004-3824-A (JUVENILE CURFEW) AND/OR TO ABOLISH, CONTINUE, OR MODIFY ORDINANCE 2004-3824-A (JUVENILE CURFEW).**

City Attorney Allen Lawrence declared the Public Hearing open at 7:34 on the need to continue Ordinance 2004-3824-A (juvenile curfew) and/or to abolish, continue, or modify Ordinance 2004-3824-A (juvenile curfew).

The City Attorney asked if there was anyone present to speak for or against Ordinance 2004-3824A regarding the juvenile curfew.

Assistant Police Chief Bill Haines spoke for the Ordinance keeping juveniles off the streets after 11:00 p.m. and giving the Police the authority to enforce the curfew. He stated at times, the curfew had allowed stopping juveniles suspected of other violations. He stated the Ordinance should be continued.

The City Attorney asked if there was anyone else to speak for or against the Ordinance. Seeing no one, the City Attorney closed the Public Hearing at 7:36 p.m.

**ITEM 14.        CONSIDER AND ACT ON ORDINANCE AMENDING SECTION 18-4, CURFEW FOR MINORS-GENERALLY AND SECTION 18-6, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, AND PROVIDING AN EFFECTIVE DATE.**

Council Member Hametner made the motion to approve an Ordinance amending Section 18-4, Curfew for Minors-Generally and Section 18-6, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Aransas pass, Texas, and providing an effective date. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 15.        CONSIDER AND ACT ON ORDINANCE ADDING TO CHAPTER 18 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, A NEW ARTICLE IV. "PREPAYMENT FOR GASOLINE AND DIESEL FUEL" TO PROHIBIT AND OWNER, EMPLOYEE, OR MANAGER/SUPERVISOR OF A RETAIL FUEL BUSINESS FROM ACTIVATING A PUMPING DEVICE TO DISPENSE GASOLINE OR DIESEL FUEL WITHOUT RECEIVING PREPAYMENT FOR SUCH GASOLINE OR DIESEL FUEL; PROVIDING**

**A DEFENSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

The City Manager stated there had been over 100 drive-offs (persons pumping gas then driving off without paying for the gas) in the City and store owners had approached the Police Department asking if there were internal procedures the Police could enact to prevent the drive-offs.

Assistant Police Chief Bill Haines stated the store clerks were allowing people to fuel up without prepaying who then drive off without paying. He stated the drive-offs cost the store owners money and the Police Department wasted time because in most cases the clerks do not have any description of the drive-offs. He stated there were 107 open and active cases of drive-offs from January through August which were a waste of the Police Departments time because of the lack of descriptions. He stated all statistics are reported to the Federal Government and the drive-offs increase the crime rate statistics for the City. He stated since the City of Rockport had enacted their "drive-off ordinance" the drive-off rate in our City had increased because the drive-offs were coming to Aransas Pass. He stated the only way to prevent drive-offs was to make the clerks collect the payment before the customer could pump the gas and providing for a penalty should assure that the clerks would adhere to the Ordinance.

After discussion, Mayor Pro Tempore Attaway made the motion to approve an Ordinance (2007-3926) adding to Chapter 18 "Offenses and Miscellaneous Provisions" of the Code of Ordinances of the City of Aransas Pass, Texas, a new Article IV. "Prepayment for gasoline and diesel fuel" to prohibit and owner, employee, or manager/supervisor of a retail fuel business from activating a pumping device to dispense gasoline or diesel fuel without receiving prepayment for such gasoline or diesel fuel; providing a defense; providing for publication and providing an effective date. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 16. DISCUSS AND TAKE ACTION ON THE PARKING PROBLEM AT CONN BROWN HARBOR PARK - MARGARET GARRETT.**

Mayor Knight stated that he had met with the Acting Public Works Director and the City Manager to assess the Harbor parking lot and concluded that the parking lot needed to be striped.

Ms. Margaret Garrett stated the street also needed striping to avoid delays, accidents and to denote tow away zones.

Mayor Knight stated no action would be necessary as the City would stripe the Harbor Park parking lot and access street area adjacent to the parking lot.

Acting Public Works Director stated the City would place "No Parking on the Grass" signs in the park area when the signs were delivered next week.

**ITEM 17. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:**

*At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager stated the end of year fiscal reports were in the Council's packets for review.

Council Member Hametner stated after speaking to Mr. Landphair and seeing the outline Mr. Landphair and his students had developed, they were both coming up with the same ideas.

Ms. Margaret Garrett reminded everyone that there would be a welcoming party on Friday night for the (student) engineers from Texas A&M.

Ms. Eva Young asked the Council if the Over 65/Disabled Tax Freeze could be implemented retroactive from 2005.

Mayor Knight stated the Over 65/Disabled Tax Freeze was effective when it was passed for 2007 and could not be applied to past tax rates.

Ms. Colleen Abshire stated the City would be taking proposals (Requests for Proposals (RFP)) and asked if the City was going to get information from the college students before the City went out for the proposals.

**ITEM 18. ADJOURNMENT OF MEETING.**

Mayor Knight adjourned the meeting at 7:51 p.m.

ATTEST:

Ada Owens, City Secretary